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*Attorneys for the Nevada State Public Works Division and
State of Nevada, ex rel. Department of Transportation*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

EDWARD E. SEELY,
Plaintiff,

vs.

NEVADA STATE PUBLIC WORKS DIVISION,
INDIVIDUALS BRENTON MARSHALL AND
JOHN/JANE DOES (1-20); NDOT
INDIVIDUALS MARIO GOMEZ P.E.,
JOHN/JANE DOES (1-20),
Defendants.

Case No.: 2:20-cv-02109-CDS-VCF

**STIPULATION AND ORDER TO EXTEND
TIME TO RESPOND TO MOTION TO
DISMISS [ECF. 42] and MOTION TO
DISMISS OR, IN THE ALTERNATIVE,
MOTION TO QUASH [ECF. 44]**

Pursuant to Local Rule IA 6-1, Defendant, Benton Marshall of the Nevada State Public Works Division, (erroneously sued as Brenton Marshall) by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Susan K. Stewart, Deputy Attorney General/Construction Law Counsel, and Defendant, Mario Gomez, through counsel, P.E. Steven M. Goldstein, Senior Deputy Attorney General, Attorney for Defendant, Mario Gomez of the State of Nevada ex rel. Department of Transportation sued solely in his individual capacity, and Plaintiff Edward E. Seely, in proper person, respectfully submits the following Stipulation and Order to Extend Time to Respond to Motion to

Dismiss [ECF. 42], and Motion to Dismiss, or in the Alternative, Motion to Quash [ECF. 44]. This Stipulation for such an extension is entered by the parties in good faith and not for the purpose of delay.

A. Reasons why the Deadlines Were not Satisfied

Defendant, Benton Marshall (erroneously sued as Brenton Marshall), filed a Motion to Dismiss [ECF. 42] (hereinafter “Motion to Dismiss [ECF. 42]”) on July 7, 2022; Mario Gomez, filed a Motion to Dismiss, or in the Alternative, Motion to Quash [ECF. 44] (hereinafter “Motion to Dismiss or Motion to Quash [ECF. 44]”) on July 7, 2022. Plaintiff contacted counsel requesting an extension, necessitated by a conflict in his medical treatment. Unfortunately, for various reasons, Plaintiff’s messages were not received. After receipt of [ECF. 50], Plaintiff’s Motion for Extension of Time of 30 days to Respond to Plaintiff’s Motion to Dismiss [ECF. 42] and Motion to Dismiss or Motion to Quash [ECF. 44], counsel immediately contacted Plaintiff. After communications with Plaintiff and the filing of Plaintiff’s Motion for Extension of Time of 30 Days to Respond to Defendants Motion to Dismiss [ECF. 42] and Motion to Dismiss or Motion to Quash [ECF. 44], the parties have agreed and stipulated to, an extension of deadlines to file the oppositions and replies.

B. Proposed Schedule

The parties propose that the current deadlines be extended as follows:

1. Plaintiff’s Opposition Briefs - The current deadline for Plaintiff’s Opposition to Motion to Dismiss [ECF.42] was July 22, 2022. The current deadline for Plaintiff’s Opposition to Motion to Dismiss or Motion to Quash [ECF. 44] is July 29, 2022. All parties have agreed to and the requested extension and the new deadline for Plaintiff’s Opposition to both Motion’s [ECF.42] and [ECF. 44] is **September 2, 2022**.

2. Defendants’ Reply Briefs - The current deadline for Defendant’s Reply in Support of Motion to Dismiss [ECF.42] was July 29, 2022. The current deadline for Defendants Reply in Support of Motion to Dismiss or Motion to Quash [ECF. 44] is August 5, 2022, with the requested extension the new deadline for both Defendant’s Reply in Support of Motion [ECF. 42] and [ECF. 44] is **September 9, 2022**

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1 For the foregoing reasons, the Defendants, Benton Marshall of the Public Works Division, Mario
2 Gomez, and Plaintiff, Edward Seely, hereby stipulate to the above extensions.

3
4 DATED this 3rd day of August 2022.

5
6 AARON D. FORD
Attorney General

AARON D. FORD
Attorney General

7
8 /s/ Susan K. Stewart
Susan K. Stewart (Bar No. 9914)
Deputy Attorney General
9 *Attorneys for Defendants,*
10 *Public Works Division and*
11 *Defendant Benton Marshall,*
erroneously sued as Brenton Marshall

/s/ Steven M. Goldstein
Steven M. Goldstein (Bar No. 6318)
Senior Deputy Attorney General
Attorneys for State of Nevada, ex rel.
Department of Transportation and
Defendant, Mario Gomez

12
13 *Seely v. Nevada State Public Works et al.*
2:20-cv-02109-CDS-VCF

14 DATED this 3rd day of August 2022

15
16 /s/ Edward E. Seely
Edward E. Seely
17 453 N. 11th Street, Spt. B
Las Vegas, NV 89101
18 *Plaintiff, In Proper Person*

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ORDER

Based on the foregoing stipulation of the parties, the deadlines outlined above shall be extended as follows:

1. The current deadline for Plaintiff's Opposition to Motion to Dismiss [ECF.42] was July 21~~22~~, 2022. The current deadline for Plaintiff's Opposition to Motion to Dismiss or, in the Alternative, Motion to Quash [ECF. 44] is July 29, 2022. All parties have agreed to and the requested extension and the new deadline for Plaintiff's Opposition to Motion's [ECF.42] and [ECF. 44] is September 2, 2022.

2. The current deadline for Defendant's Reply in Support of Motion [ECF.42] was July 29, 2022. The current deadline for Defendants Reply to Opposition to Motion to Dismiss or, in the Alternative, Motion to Quash [ECF. 44] is August 5, 2022, with the requested extension the new deadline for Defendant's Reply in Support of Motion [ECF. 42] and [ECF. 44] is September 9, 2022.

IT IS ORDERED that the new deadline for Plaintiff's Opposition to Motion's [ECF.42] and [ECF. 44] is September 2, 2022. This new deadline is effective, *nun pro tunc*, to July 21, 2022.

IT IS FURTHER ORDERED that the new deadline for Defendant's Reply in Support of Motion [ECF. 42] and [ECF. 44] is September 9, 2022. This new deadline is effective, *nun pro tunc*, to July 29, 2022.

IT IS FURTHER ORDERED that the Motion for Extension of Time to Respond to Defendants' Motion to Dismiss and Motion to Dismiss or Quash (ECF No. 50) is DENIED as moot.

IT IS FURTHER ORDERED that the Stipulation and Order to Extend Time to Respond to Motion to Dismiss and Motion to Dismiss or Quash (ECF No. 52) is STRICKEN as a duplicate.

DATED August 8, 2022.


UNITED STATES DISTRICT JUDGE

From: [Steven M. Goldstein](#)
To: [Susan L. Messina](#)
Cc: [Mary J. Pizzariello](#); [Susan K. Stewart](#)
Subject: RE: Seely v. State of Nevada
Date: Wednesday, August 3, 2022 2:13:01 PM

This looks good to me. Please use my electronic signature for this Proposed SAO.

Kindest regards,

Steven M. Goldstein
Senior Deputy Attorney General

Transportation Division
Nevada Office of the Attorney General
1184 Western Avenue
Las Vegas, Nevada 89102
(702) 730-3414
sgoldstein@ag.nv.gov



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From: Susan L. Messina <SMessina@ag.nv.gov>
Sent: Wednesday, August 3, 2022 12:19 PM
To: Steven M. Goldstein <sgoldstein@ag.nv.gov>
Cc: Mary J. Pizzariello <MPizzariello@ag.nv.gov>; Susan K. Stewart <SStewart@ag.nv.gov>
Subject: Seely v. State of Nevada

Good afternoon Mr. Goldstein,

Attached please find the Stipulation and Order to Extend Time to Respond to Motion to Dismiss [ECF. 42] and Motion to Dismiss or, in the Alternative, Motion to Quash [ECF. 44] for your review and if acceptable your approval. Please advise if any changes need to be made, otherwise, if the document meets with your approval, please confirm in writing that you are agreeable to use of your e-signature for filing with the court.

Should you have any questions or concerns, please feel free to contact either Susan Stewart or me.

Sincerely,

Susan Messina
Legal Secretary II
State of Nevada
Office of the Attorney General
100 North Carson Street
Carson City, NV 89701
smessina@ag.nv.gov
T: 775.684.1210



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From: [Susan K. Stewart](#)
To: [Susan L. Messina](#)
Subject: FW:
Date: Thursday, August 4, 2022 8:19:41 AM

Here you go. Thank you!

From: Ed Seely <dancingman4life@gmail.com>
Sent: Wednesday, August 3, 2022 4:00 PM
To: Susan K. Stewart <SStewart@ag.nv.gov>
Subject:

WARNING - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Yes I approve go ahead and file it